

PATENT

III. Remarks

Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks. Applicants appreciate the indication of allowance of claims 34-49. After the amendments detailed above, claim 24 has been amended, claims 50-56 have been added, and claims 25-49 have been maintained in their previous form.

A. Double Patenting Claim Rejections

Claims 24-49 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,662,174. Applicants hereby submit a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the obviousness-type double patenting rejections.

B. Discussion of Amended Independent Claim 24

Claims 24-33 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,212,524 to Weissman et al. The rejection of independent claim 24 is moot, as claim 24 has been amended.

Claim 24 has been amended to further define the claimed method of operating an analytical server. In particular, claim 24 has been amended to further define the manner in which metric values are calculated for responding to the metric query. That is, in situations where metric queries lead to multiple fact table queries, the analytical server is capable of retrieving results from such queries and "assessing which hierarchical levels are available in the results, lining up the results along the available hierarchical levels and performing an outer join."

Applicants respectfully submit that the Weissman reference does not teach or suggest the claimed method for operating an analytical server. Indeed, the Weissman reference is largely directed to methods for creating and populating a datamart rather than specific manners of responding to a metric query of an existing datamart. While Weissman does touch on query mechanism metadata and the associated interface between the user and the datamart, the

PATENT

reference fails to disclose or suggest the unique manner of operating an analytical server as claimed in amended claim 24.

C. Discussion of New Claims

New claims 50-56 have been added, of which claim 50 is independent. Independent claim 50 is added to incorporate dependent claim 33 into the subject matter of claim 24. In particular, new claim 50 is directed, in part, to a process by which a plurality of measurement data is broken down to form common constraints and structured into a single database query. Weissman simply does not teach combining a plurality of measurement data to form singular query strings. In rejecting claim 33, the Examiner points to the use of predefined aggregates in Weissman to answer different queries. However, such aggregates are distinguishable from claim 50, which requires "receiving a plurality of metric queries from the client, the plurality of metric queries requesting at least two metrics which are broken down at the same hierarchical level." In other words, several queries can be broken down at the same hierarchical level and sent to the RDBMS as a single query. Weissman's predefined aggregates, on the other hand, facilitate quick answers to transactional queries, but fail to teach or suggest combining input parameters on the front end to send a single query to the RDBMS. *See col. 31, lines 8-11 of Weissman* ("What is important is the exploitation of aggregate tables, that already exist in the system in order to answer transactional queries rapidly."). Accordingly, Applicant respectfully submits that new claim 50 is in condition for allowance. Dependent claims 51-56 further define claim 50, and are therefore patentable as well.

D. Conclusion

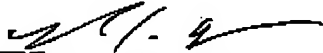
The Commissioner is hereby authorized to charge the \$130 fee for filing the terminal disclaimer as well as the \$120 fee for a one-month extension of time to Deposit Account No. 13-0480, referencing Attorney Docket No. 68146988.719. If any additional fees are required to complete this filing, the Commissioner is authorized to charge those fees, or credit any overpayment, to the Deposit Account specified above.

PATENT

If the Examiner has any questions regarding this Amendment and Response to Non-Final Office Action or the Application in general, Examiner is invited to contact the Applicants' attorney at the below-listed telephone number.

Respectfully submitted,

Date: 10 August 2005


Richard V. Wells, Reg. No. 53,757
Baker & McKenzie LLP
Attorney for Applicants
(214) 978-3006 (telephone)
(214) 978-3099 (fax)